

REMARKS

Claim Status

Claims 1 and 5-12 are pending, of which claims 1 and 11-12 are independent. Claims 1, 5, and 9-12 have been amended to correct informalities in the claim language and to more clearly define the present subject matter. No new matter has been added.

Claim Rejection Under 35 U.S.C. § 112

Claims 1 and 11-12 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant submits that the amendments made to claims 1 and 11-12 overcome this rejection.

Claim Rejection Under 35 U.S.C. § 103

Claims 1 and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshinori et al. (JP 2004-047317) in view of Negoro et al. (U.S. Patent No. 6,232,021). Claims 5 and 7-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshinori in view of Negoro and further in view of Kezuka et al. (U.S. Publication No. 2002/0031710). These rejections are traversed for at least the following reasons.

Applicant respectfully submits that, at a minimum, none of the cited references disclose or suggest the use of m-chloroperoxybenzoic acid in a non-aqueous electrolyte, a positive electrode or a negative electrode, as recited by independent claims. Accordingly, claims 1, 11 and 12 and all claims dependent thereon are patentable over the cited references.

Conclusion

In view of the above amendments and remarks, Applicant submits that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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